



LAWRENCE BERKELEY LABORATORY
ADMINISTRATIVE MEMO

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POLICY AND PROCEDURE

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LABORATORY POLICY ON THE DISSEMINATION
OF RESEARCH RESULTS

University of California policy clearly establishes as a fundamental tenet the freedom to publish in the open literature all research results generated by the efforts of its faculty, staff, and students. Concerns about this policy have been raised from time to time, primarily as a result of requests by industrial sponsors wishing to protect their proprietary interests. The University Contract and Grant Policy Manual, however, states the following:

It is a long-standing University policy that freedom to publish or disseminate results is a major criterion of the appropriateness of a sponsored project, and particularly of a research project. Normally a contract or grant is unacceptable if it limits this freedom.

University policy does allow Chancellors, Laboratory Directors, and Vice Presidents to authorize exceptions to this policy, but in a memorandum dated August 3, 1970, the University President stated the following:

The exception is not intended to authorize acceptance of grants or the execution of contracts which give the sponsoring agency the right to prevent, for an unreasonable or unlimited time, the release for publication in the open literature, or the release in some other manner, of the results of the work performed.

It is Lawrence Berkeley Laboratory policy to adhere strictly to University policy in this area and to allow all results of its research activities to be disseminated as soon as possible. Delays in the dissemination of research results for up to 90 days to allow for reviews of patentable or otherwise protectable information are considered reasonable within the University and Laboratory policies.

Exceptions to this policy, however, may be acceptable under certain narrowly defined circumstances.

1. LBL policy is consistent with the Department of Energy policy, which provides an option for "proprietary" use of National User Facilities when an External User pays the "full cost" of such use. This exception is granted because these facilities were established in part as a service to industry and because Laboratory employees and students are not themselves engaged in these research efforts.
2. There are several unique, highly specialized pieces of equipment in individual laboratories at LBL that are not designated as formal National User Facilities because they are used primarily as research instruments in continuing Laboratory programs. However, the Laboratory may occasionally make such equipment available to visitors on a limited basis for synthesis, testing, or analysis. The Laboratory itself would provide only safety training and operational instructions and a minimal level of support services, and thus, the results of the use of those instruments would not be generated by Laboratory employees or students. Exemption from publication requirements of the results of such work is allowed so long as the visitor pays the full cost of that use.

In both exceptional cases above, consistent with DOE policy, nonproprietary summaries of the research effort must be made available to the Laboratory.

It should be noted that recent legislation authorizing the negotiation of Collaborative Research and Development Agreements (CRADAs) between national laboratories and industry does allow for the exemption of CRADA research results from public access under the Freedom of Information Act for up to five years and therefore, by implication, delay of publication for that period. Exercising this option would be considered an exception to the publication policy of the Lawrence Berkeley Laboratory and must be authorized by the Laboratory Director.



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Director